

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DALE ALFONZE JOHNSON,

Petitioner,

v.

WARDEN RONALD MALONE,

Respondent.

Case No. 18-CV-1026-JPS

ORDER

On July 9, 2018, Magistrate Judge William E. Duffin issued a recommendation to this Court that this action be dismissed without prejudice. (Docket #6). Magistrate Duffin's recommendation was based on his finding that Petitioner had failed to exhaust his state court remedies, a precondition to filing a federal habeas action. *Id.* at 2–4; 28 U.S.C. § 2254(b)(1)(A). The time for objecting to the recommendation has passed and none has been received. *See* Fed. R. Civ. P. 72; Gen. L. R. 72(c). The Court has considered the recommendation and, in light of its agreement with Magistrate Duffin's analysis and without objection from Petitioner, will adopt it.

Accordingly,

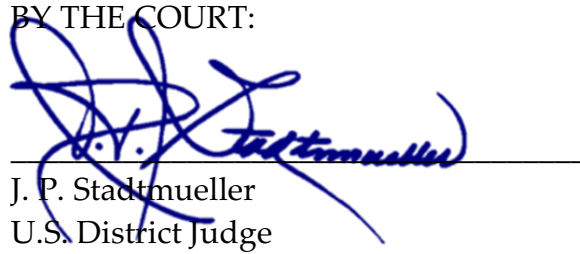
IT IS ORDERED that Magistrate Judge William E. Duffin's report and recommendation (Docket #6) be and the same is hereby **ADOPTED**; and

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED without prejudice**.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 26th day of July, 2018.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line. The signature is stylized with large loops and a long trailing flourish.

J. P. Stadtmueller
U.S. District Judge